

**TWENTY-EIGHTH DAY.**

Senate Chamber,  
Austin, Texas,

Wednesday, February 23, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Fairchild.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent—Excused.

Floyd.

Absent.

Bledsoe.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Wood:

S. B. No. 420, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of the State of Texas, Revision of 1925, so as to exempt all dentists engaged in the actual practice from jury service."

Read first time and referred to Committee on State Affairs.

By Senators Triplett, Fairchild:

S. B. No. 421, A bill to be entitled "An Act to amend Article 5344 of the Revised Civil Statutes of Texas of 1925 (being Chapter 140 of the Acts

of the Regular Session of the Thirty-ninth Legislature) relating to the payment of royalty and money to the State under leases of certain public lands, islands, waters, bays, reefs, salt water lakes, river beds and channels and other submerged lands, so as to include "river beds and channels" in the provision for the exemption of payment of \$2.00 per acre per annum where the leased area contains as much as 100 acres but not in excess of 500 acres upon which as many as five wells have been drilled and upon which an expenditure as much as \$100,000.00 has been made."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Real:

S. B. No. 422, A bill to be entitled "An Act to amend Chapter 2, Article 3927, Revised Civil Statutes of the State of Texas as to fees allowed district clerks."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 423, A bill to be entitled "An Act to define and fix the jurisdiction of the county court of Harrison County, Texas, and to conform the jurisdiction of the district court of the Seventy-first Judicial District in Harrison County to such change, to repeal all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

✓ By Senators Love, Witt:

S. B. No. 424, A bill to be entitled "An Act to provide for the vocational rehabilitation and placement of physically disabled persons; to make an appropriation of ten thousand dollars to make the law effective, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Reid:

S. B. No. 425, A bill to be entitled "An Act to amend Article 7065, Chapter 7, Title 121 of the Revised Civil Statutes of 1925 so as to place Briscoe County under the provisions of said Chapter, No. 7, Title 121."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Parr:

S. B. No. 426, A bill to be entitled "An Act to amend Article 929, Criminal Code, as adopted by the Thirty-ninth Legislature making it unlawful to sell certain fish over a certain length; prescribing the penalty therefor; and providing that said law shall not be applicable to any fish caught out of the waters of the Gulf of Mexico, or Laguna Madre or any salt water tributary thereof upon a hook and line."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hall:

S. B. No. 427, A bill to be entitled "An Act authorizing the commissioners' court of any county to establish one or more drainage districts for the purpose of combining established drainage districts and for the filing of a petition therefor, etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

#### Senate Bill No. 54.

On motion of Senator Woodward, S. B. No. 54, with House amendments, was laid on the table, subject to call.

#### Senate Bill No. 331.

On motion of Senator Wood, S. B. No. 331 was recommitted to the Committee on Finance.

#### Senate Bill No. 320.

On motion of Senator Westbrook, S. B. No. 320 was ordered printed in today's Journal.

#### House Concurrent Resolution No. 21.

The Chair laid before the Senate, on second reading,

H. C. R. No. 21, Endorsing S. B. No. 4746, now before Congress.

The resolution was read and adopted.

#### House Bill No. 11.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 11, A bill to be entitled "An Act to create Road District No. 4, of Shelby County, Texas; validating and approving all orders made

by the commissioners' court of said county, etc.; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

#### House Bill No. 16.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17 of Chapter 24 of the Special Laws of the State of Texas, approved March 5th, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County."

The bill was read second time and passed to third reading.

#### House Bill No. 150.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 150, A bill to be entitled "An Act to amend Article 1036, Title 15, Chapter 2, of Code of Criminal Procedure of the State of Texas of 1925, allowing witness fees and mileage in all out county felony cases in the sum of four cents per mile for each mile traveled going to and from the court or grand jury and two dollars per day for each day of service and such witnesses in all cases who attend in obedience to any process issued by any grand jury or any court in this State other than county of their residence; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill No. 201.

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 201, A bill to be entitled "An Act amending Article 941a of the Penal Code of the State of Texas as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the catching of sucker, buffalo, carp and shad in certain counties, by adding to said article the names of Bosque, Grayson, Cook, Denton, Coryell, Hamilton, Erath, Dallas and Hood Counties."

The bill was read second time and passed to third reading.

**House Bill No. 335.**

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 335, A bill to be entitled "An Act to amend Section 7 of the Special Laws enacted at the Regular Session of the Thirtieth Legislature, the same being Chapter 34, creating a more efficient road system for Washington County, approved March 21, 1907, and as amended by the Regular Session of the Thirty-second Legislature, Chapter 30, approved March 7, 1911, be amended so as to exempt citizens of Washington County from road duty by payment to the county treasurer money in lieu thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

**House Bill No. 372.**

The Chair laid before the Senate, on second reading, the following bill:

H. B. No. 372, A bill to be entitled "An Act fixing in counties having a population in excess of 150,000 inhabitants, and in which there is no county attorney, the compensation of and providing for the appointment of assistant district attorneys, investigators, stenographers and other employes, and providing for their salaries and the manner of their payment, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading:

**House Bill No. 118.**

The Chair laid before the Senate on second reading the following bill:

H. B. No. 118, A bill to be entitled "An Act to amend Articles 5431 and 5432, of Title 88 of the Revised Civil Statutes of the State of Texas of 1925, relating to damages by libel; mitigation of damages occasioned by libel, and the defense in causes of action for libel, and defining privileged matters."

Senator Love sent up the following substitute for the committee amendment:

Substitute for committee substitute.

By Woodward, Love, Moore, Witt, Greer, Real, Hardin, Neal, Reid, McFarlane, Wood, Hall, Berkeley, Stuart, Westbrook, Ward, Floyd, Bledsoe, Smith, Lewis:

Amend H. B. No. 118 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 5431 of Title 88 of the Revised Civil Statutes of the State of Texas of 1925 is hereby amended so that hereafter it shall read as follows:

Article 5431. In any action for libel, in determining the extent and source of actual damage and in mitigation of exemplary or punitive damage, the defendant may give in evidence, if specially pleaded, all material facts and circumstances surrounding such claim of damage and the defense thereto, and also all facts and circumstances under which the libelous publication was made, and any public apology, correction or retraction made and published by him of the libel complained of, and may also give in evidence, if specially pleaded in mitigation of exemplary or punitive damage, the intention with which the libelous publication was made. The truth of the statement, or statements, in such publication shall be a defense to such action.

Sec. 2. That Article 5432 of Title 88 of the Revised Civil Statutes of the State of Texas of 1925 is hereby amended so that hereafter it shall read as follows:

Article 5432. The publication of the following matters by any newspaper or periodical shall be deemed privileged and shall not be made the basis of any action for libel.

1. A fair, true and impartial account of the proceedings in a court of justice, unless the court prohibits the publication of same when in the judgment of the court the ends of justice demand that the same should not be published and the court so orders, or any other official proceedings authorized by law in the administration of the law.

2. A fair, true and impartial account of all executive and legislative proceedings, including all reports of and proceedings in or before legislative committees and before each

and all such committees heretofore appointed by the Legislature or either branch of the Legislature or hereafter to be appointed by such bodies or either of them and of any debate or statement in or before the Legislature or either branch thereof or any of its committees, and including also, all reports of and proceedings in or before the managing boards of educational and eleemosynary institutions supported from the public revenue, of city councils or other governing bodies of cities or towns, of the commissioners' court of any county, and of the board of trustees of the public schools of any district, city or county, and of any debate or statement in or before any such body.

3. A fair, true and impartial account of the proceedings of public meetings, dealing with public purposes, including a fair, true and impartial account of statements and discussion in such meetings of the acts and conduct and motives of public officials and public employees and of candidates for public office and of other matters of public concern, transpiring and uttered at such public meetings.

4. A reasonable and fair comment or criticism of the official acts of public officials and of other matters of public concern published for general information.

5. The privilege provided under Sections 1, 2, 3, and 4, of this article shall extend to any first publication of such privileged matter by any newspaper or periodical, and to subsequent publications thereof by it when published as a matter of public concern for general information; but any republication of such privileged matter, after the same has ceased to be a matter of such public concern, shall not be deemed privileged, and may be made the basis of an action for libel upon proof that such matter had ceased to be of such public concern and that same was published with actual malice.

Sec. 3. The fact that there is now no law in this State adequately providing defenses for libel or adequately defining privileged matters, and that in consequence of this condition the people are denied adequate and proper information concerning their government, candidates for public of-

fice and other matters affecting their welfare creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days shall be suspended and that this bill shall be placed upon its third reading and final passage, and the rule is hereby so suspended.

On motion of Senator Love, this bill was made a special order for Thursday following the special order already set for S. B. No. 190.

#### Messages From the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 13, A bill to be entitled "An Act amending Article 47 of the Penal Code of the State of Texas of 1925, so as to properly define the word 'offense,' the word 'felony' and the word 'misdemeanor,' prescribing what is and is not a capital felony, and declaring an emergency."

H. B. No. 72, A bill to be entitled "An Act to amend Chapter 5, Acts of the Third Called Session of the Thirtieth Legislature, Article 7065, Revised Civil Statutes of 1925, by providing for an occupation tax upon wholesale dealers in gasoline equal to three cents per gallon on all such gasoline so sold by any such dealer; repealing all laws in conflict with said amendment, and declaring an emergency."

H. B. No. 291, A bill to be entitled "An Act amending Articles 3334 and 3336 of the Revised Civil Statutes of 1925, relating to the manner of service of citation on application for the probate of wills, and inserting Article 3334a, validating the service of citation and the probating of wills, in so far as notice is concerned, where citation has been made by publication, as provided for by Article 28, without posting notices, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act validating the appointment of guardians when citation was pub-

lished, as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 455, A bill to be entitled "An Act to amend subdivision 11, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas of 1925, providing for the election of special judges in case of absence, sickness or inability of any of the regular judges to act and preside in the civil district courts of Harris County, Texas, and declaring an emergency."

H. B. No. 500, A bill to be entitled "An Act to repeal Article 348, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act repealing Chapter 43 of the Local and Special Laws of the First Called Session of the Thirty-ninth Legislature, creating the Rosebud Independent School District in Falls County."

H. J. R. No. 14, Proposing ten amendments of the Constitution relating to public education: (1) Limiting terms of officers of school system to ten years; (2) providing for a State Board of Education; (3) providing for a State Board of Higher Education; (4) authorizing a county school tax not exceeding 50 cents; (5) authorizing issuance of anticipation warrants; (6) providing for distribution of State school funds as the Legislature may prescribe; (7) providing for the equalization of taxation; (8) repealing prohibition of appropriations to University for building purposes; (9) providing for stabilization of the available school fund; (10) fixing the date at which terms of appointive officers shall begin."

H. J. R. No. 25, A joint resolution proposing

"To amend Article 8 of the Constitution by adding thereto Section 1a, providing that the sources of income derived from taxation may be divided, etc., in whole or in part, so that there may be a different source of taxation for the maintenance of the State Government and the maintenance and expenses of the political division of the State; also that there

may be different rates of taxation and different classes of property; also that the State may make provision for the payment of interest and sinking fund charges on bonds where taxes have been remitted to pay such charges and where such remission of taxes may become insufficient to meet such charges."

H. J. R. No. 26, A joint resolution proposing

"An amendment to the Constitution of the State of Texas making available for the public highways all gasoline occupation taxes and making available for the public free schools all occupation taxes based on production of oil or petroleum."

H. B. No. 8, A bill to be entitled "An Act to amend Article 2757, Revised Statutes of 1925, relating to formation of independent school districts, and declaring an emergency."

H. B. No. 109, A bill to be entitled "An Act relative to registration fees of motor vehicles and motorcycles; amending Article 6678, Revised Civil Statutes of 1925, so as to eliminate registration fees of passenger motor vehicles based on horse power; amending Article 6679, Revised Civil Statutes of 1925, so as to eliminate registration fees on motor vehicles designed or used for transportation of property based upon horse power; providing for a registration fee in addition to other registration fees based on weight to be paid by owners of passenger motor vehicles operating for hire; naming a minimum registration fee for passenger motor vehicles, and providing a penalty for failure to pay the same; amending Article 6691, so as to provide that hereafter all of such registration fees shall go to the county and shall be deposited by the tax collector to the credit and for the use of the county road and bridge fund, and that none of said fees shall be paid into the State Highway Fund; repealing Article 820 of the Penal Code; providing that if any section is declared unconstitutional, it shall not invalidate any remaining part of this Act; fixing the compensation of the tax collectors, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

S. C. R. No. 16, Accepting donation of land by the Mineral Wells Chamber of Commerce to be used as a permanent encampment for the Texas National Guard.

S. C. R. No. 17, Relating to a uniform accounting system for the State's finances and fiscal affairs.

S. C. R. No. 22, Recalling S. B. No. 223 from the Governor's Office.

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has complied with the provisions of S. C. R. No. 23.

Respectfully submitted,

M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 69, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations; to protect the agricultural and horticultural interests of this State against infestation by insect pests and plant diseases; to prohibit or restrict the sale and transportation of such plants and plant products as are known to carry insect pests and plant diseases; to have full power to deal with dangerous fruit and crop pests and plant diseases in such manner as may be necessary to carry into effect provisions of this Act; to have authority to declare "pest free" zones; providing for hearings to be held by the chief entomologist of the Department of Agriculture and others that may be designated; providing for due notice for such hearings and re-

ports of the proceedings had; providing for appeal from the decision of the Commissioner of Agriculture; providing for declaration of "control" or "eradication" zones by the Commissioner of Agriculture upon recommendation of the commissioners' court of any county in this State; making it the duty of the Commissioner of Agriculture to cause an investigation to be made of the existence or non-existence of any pest in an area when called upon by the commissioners' court; providing for the commissioners' court to hold hearings and to make report to the Commissioner of Agriculture of its conclusions; authorizing the commissioners' court to appropriate moneys to carry into effect the provisions of this Act; providing for the examination and licensing of persons offering themselves as experts for hire to do tree pruning, spraying, fertilizing, budding, grove supervision, tree surgery or treatment of diseased trees or orchards; providing that this Act shall be cumulative of all laws now on the statute books; providing penalties, and declaring an emergency," with amendments:

S. B. No. 347, A bill to be entitled "An Act creating and establishing the Ninety-ninth Judicial District, to be composed of Lubbock County, Texas; fixing the terms and the times of holding the district court in said district; providing for a transfer of some of the cases pending in the Seventy-second Judicial District Court in said county to the court herein created, and requiring the necessary things to be done in connection with said transfer of cases; providing for the district clerk of Lubbock County to act as such clerk for the district court herein created; providing that the district attorney for the Seventy-second Judicial District shall act as the district attorney for said court herein created; providing for a district judge for the court herein created; providing that the sheriff of Lubbock County shall perform duties in connection with said court herein created as provided by general law in connection with district courts; enacting the necessary provisions in reference to process and writs, records and papers, connected with cases transferred under this Act; providing all matters and things incidental to the

main purpose of this Act, and declaring an emergency."

Respectfully submitted,  
M. LOUISE SNOW,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 21.

The Chair laid before the Senate as pending business the following bill:

By Senator Woodward:

S. B. No. 21, A bill to be entitled "An Act to repeal Chapter 49 of the Acts of the Thirty-ninth Legislature of 1925 of the State of Texas now Article 787A of the Code of Criminal Procedure of 1925 relating to the exclusion of evidence obtained in violation of the Constitution and Laws of the State of Texas or the United States of America and declaring an emergency."

#### House Bills Referred.

The following bills were read first time and referred:

H. B. No. 8, referred to Committee on Educational Affairs.

H. B. No. 109, referred to Committee on State Affairs.

H. B. No. 352, referred to Committee on Finance.

H. B. No. 487, referred to Committee on Banks and Banking.

H. B. No. 13, referred to Committee on Criminal Jurisprudence.

H. B. No. 72, referred to Committee on State Affairs.

H. B. No. 291, referred to Committee on Civil Jurisprudence.

H. B. No. 294, referred to Committee on Civil Jurisprudence.

H. B. No. 455, referred to Committee on Judicial Districts.

H. B. No. 500, referred to Committee on Banks and Banking.

H. B. No. 524, referred to Committee on Educational Affairs.

H. J. R. No. 14, referred to Committee on Constitutional Amendments.

H. J. R. No. 25, referred to Committee on Constitutional Amendments.

H. J. R. No. 26, referred to Committee on Constitutional Amendments.

#### Bills Signed.

After their captions had been read, the Chair signed in the presence of the Senate the following resolutions:

S. C. R. No. 22.

S. C. R. No. 23.

#### Recess.

On motion of Senator Woodward, the Senate at 12:05 p. m. recessed until 2 o'clock p. m.

#### After Recess.

The Senate was called to order, pursuant to recess, at 2 o'clock p. m. by Lieutenant Governor Miller.

#### Senate Bill No. 21.

The question recurred upon the final passage of S. B. No. 21.

The favorable minority report was substituted for the unfavorable majority report by the following vote:

Yeas—18.

Bledsoe.	Reid.
Bowers.	Smith.
Greer.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Pollard.	Woodward.

Nays—12.

Bailey.	Miller.
Berkeley.	Parr.
Fairchild.	Price.
Hall.	Real.
Hardin.	Russek.
Holbrook.	Wirtz.

Absent—Excused.

Floyd.

Senator Ward sent up the following amendment:

Amendment No. 1, S. B. No. 21.

Amend S. B. No. 21 by striking out the words "expressly repealed" in line 18, and insert in lieu thereof the following: "is hereby amended to hereafter read as follows: No evidence obtained by an officer or other person in violation of any provision of the Constitution or Laws of the State of Texas, or of the United States of America; shall be admitted in evidence against the accused on the trial of any criminal case; provided, however, that this Act is not applicable to evidence obtained by any officer

in the search of any automobile, boat, or other vehicle used in the transportation of intoxicating liquor, whether such search is made with or without a warrant, where the searching officer has knowledge or information of facts constituting probable cause for such search."

Senator Pollard moved to table the amendment.

#### Senate Bill No. 69.

On motion of Senator Westbrook, the Senate voted to concur in the following House amendment to S. B. No. 69:

#### Committee Amendment to S. B. No. 69.

Amend S. B. No. 69 by striking out Section 1 and substituting therefor the following:

If the Commissioner of Agriculture of this State, hereinafter called the "Commissioner," determines the fact, as provided in Section 3 hereof, that any dangerous insect pest or plant disease new to and not heretofore widely distributed in this State exists outside of Texas, or if such pest be introduced in this State, he is hereby authorized and it is made his duty to establish, maintain and enforce a quarantine against such infested area and shall prevent the movement from such quarantined areas into areas in this State not infested of any such plants and plant products as are liable to disseminate the pest under consideration. If such plants or plant products as shall be quarantined, as provided for herein, can be so disinfected or treated as to not endanger the agricultural interests of this State, then the Commissioner shall promulgate rules and regulations governing such infection or treatment before allowing such products to be shipped out of such quarantined area. The Commissioner shall have authority and it is hereby made his duty to promulgate rules and regulations governing the inspection and certification of seed beds or propagation grounds where plants are produced for sale and transplanting, when such plants as may be produced and offered for sale are known carrier of the sweet potato weevil, nematode gall worms or any dangerous fungus or bacterial disease of valuable agricultural or horticultural

crops. As soon as practicable after the passage of this Act he shall publish a list of such plants, and thereafter it shall be unlawful for any person or persons to transport or sell any such plants that may be infested with sweet potato weevil, nematode gall worms or dangerous fungus or bacterial disease of valuable agricultural and horticultural crops.

Amend Senate Bill No. 69 by striking out the language "or who shall offer themselves as experts to do for hire, tree pruning, spraying, dusting, fertilizing, budding, grove supervision, tree surgery, or to treat diseased trees, orchards or plants without first satisfying the Commissioner that he or they are qualified to perform such duties as have been granted a certificate so stating" in lines 13 to 18, page 6.

By Senator Montgomery:

Amend S. B. No. 69 at the end of Section 3, Line 16 on page 4, by adding thereto the following:

Provided however that the Commissioner of Agriculture shall have no power under this Act to enforce a local quarantine in any county or a part thereof in this State until the commissioners' court or the county to be quarantined shall have passed an order entered upon the minutes of said court, requesting quarantine of such county or a part thereof.

#### Messages From the Governor.

The Chair recognized the Doorkeeper who introduced a messenger from the Governor with the following messages:

Executive Department,

Austin, Texas, Feb. 21, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen:

With your advice and consent I desire, under authority of Senate Bill No. 29, of the Fortieth Legislature, to appoint the following named persons as notaries public of the respective counties set opposite the names:

Ray Morris, Dallas County.

T. C. Dodson, Hopkins County.

Edward Edwards, Red River County.

E. A. Fuese, Harris County.

Respectfully submitted,

DAN MOODY,  
Governor of Texas.



Executive Department,  
Austin, Texas, Feb. 23, 1927.  
To the Honorable Senate of the State  
of Texas.

Gentlemen: With your advice  
and consent I desire, under authori-  
ty of Senate Bill No. 29, of the For-  
tieth Legislature, to appoint the fol-  
lowing named persons as notaries  
public of the respective counties set  
opposite the names:

M. A. Asher, Henderson County.  
Eva Barfoot, Henderson County.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 23, 1927.  
To the Honorable Senate of the State  
of Texas.

Gentlemen: In compliance with  
Senate Concurrent Resolution No. 23,  
I am returning to the Senate here-  
with Senate Bill No. 60 for correc-  
tion.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 23, 1927.  
To the Honorable Senate of the State  
of Texas.

Gentlemen: Pursuant to your  
Concurrent Resolution Number 22  
I am returning herewith, unsigned,  
Senate Bill Number 223.

Respectfully submitted,  
DAN MOODY,  
Governor of Texas.

#### Bills Signed.

After its caption had been read,  
the Chair signed in the presence of  
the Senate the following bills:

H. C. R. No. 27.  
S. C. R. No. 17.  
H. B. No. 347.

#### Adjournment.

The motion of Senator Fairchild  
that the Senate adjourn until 10 o'-  
clock a. m., Thursday, was adopted  
by the following vote:

Yeas—17.

Bailey.	Miller.
Berkeley.	Parr.
Fairchild.	Pollard.
Hall.	Price.
Hardin.	Real.
Holbrook.	Russek.

Triplett.	Wirtz.
Ward.	Wood.
Westbrook.	

Nays—12.

Bledsoe.	Neal.
Bowers.	Reid.
Greer.	Smith.
Lewis.	Stuart.
Love.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Floyd.

Absent.

Moore.

#### APPENDIX.

##### Petitions and Memorials.

##### STATE OF WASHINGTON,

Department of State.

Olympia, Wash., Feb. 14, 1927.

To the Honorable House of Repre-  
sentatives of the United States of  
America in Congress Assembled:

We, your memorialists, the House  
of Representatives and the Senate of  
the State of Washington, in legisla-  
tive session assembled, most respect-  
fully represent and pray as follows:

Whereas, Under our present Con-  
stitution, the President, Senators and  
Representatives take up their duties  
many months after the day of elec-  
tion; and,

Whereas, The provisions of the  
Constitution herein sought to be  
amended are antiquated and unwork-  
able under modern conditions, to  
such an extent as to be in some  
cases, a positive menace to the best  
welfare of the Nation; and,

Whereas, The Senate has seen fit  
to offer and pass a constitutional  
amendment known as the "Norris  
Amendment," providing that such  
officers shall take office promptly  
after election, and have sent the  
same to the House; therefore, be it

Resolved, That we, your memorail-  
ists, do earnestly and respectfully  
pray that the House of Representa-  
tives will take similar action at the  
earliest possible date and present the  
same to the Legislatures of the  
various States for their adoption;  
and be it further

Resolved, That the Secretary of  
State, under the seal of the State of  
Washington, transmit to the Senate  
and the House of Representatives of  
the United States at Washington,

D. C., and to each Senator and Congressman from the State of Washington, and to the Legislature of each of the several States, a full, true, and correct copy of this joint memorial.

Passed the House, January 26, 1927.

RALPH R. KNAPP,  
Speaker of the House.

Passed the Senate, February 3, 1927.

W. LON JOHNSON,  
President of the Senate.

Read and referred to Committee on Federal Relations.

STATE OF MARYLAND,  
Executive Department.

Annapolis, Md., Feb. 19, 1927.

Hon. W. V. Howerton, Secretary of the Senate, Austin, Texas.

Dear Mr. Howerton:—I beg to acknowledge your favor of February 12th, enclosing me Concurrent Resolution of the Senate and House of Texas conveying to me their very kind invitation to address the Legislature of Texas some day during the present session. I feel very greatly honored by this invitation. It is an evidence of the good will of the people of Texas towards the executive of a sister state, which the people of Maryland appreciate as much as I do. I am sincerely disappointed that it is not possible for me to accept. The Legislature of Maryland is in session now and will not adjourn until early in April. This keeps me here every moment of my time, and it is just out of the question for me to be away for anything like as long a period as a trip to Texas would take. I had hoped that your Legislature might be in session longer than ours, but I find you will in all probability adjourn first. Under these circumstances, I can only express again my appreciation of the honor of the invitation and my sincere regret that my duties in Maryland make it impossible for me to accept it.

Sincerely yours,

ALBERT C. RITCHIE,  
Governor.

Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Feb. 23, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

rolled Bills have had S. C. R. No. 23 carefully examined and compared, and find the same correctly enrolled and have this day at 3:00 o'clock p. m., presented the same to the Governor for his approval.

WITT, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 23, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 17 carefully examined and compared, and find the same correctly enrolled and have this day at 4:15 o'clock p. m., presented the same to the Governor for his approval.

WITT, Vice-Chairman.

## TWENTY NINTH DAY.

Senate Chamber,  
Austin, Texas.

Thursday, February 24, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)